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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,516	05/23/2001	Ken Nishioka	01-148	7211

23400 7590 10/06/2005

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,516

Applicant(s)

NISHIOKA, KEN

Examiner

Michael J. Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,4 and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by US PAT 5,931,878 to Chapin, Jr. (Chapin).

As to claim 1, Chapin discloses a vehicle information method (fig 5) comprising storing in a first storage means maintenance information of a vehicle (internal database 10, as best seen in fig 1), storing in a second storage means maintenance work information (at vendor) which are provided by an advertiser requestor (24), linking the maintenance information and the work information to extract a content (fig 1), transmitting a message indicative of an arrival of a maintenance time item (14).

As to claim 2, Chapin discloses including a time of purchase (col 4, lines 57-58), the transmitting step transmits a regular inspection time based on time of purchase (col 2, lines 56-66).

As to claim 4, Chapin discloses a first storage means with parts information (col 5, lines 27-31, inventory being parts), storing in a second storage means sales part

information regarding parts sold (120, as best seen in fig 5), linking the parts information and the sales information (fig 5), transmitting to the terminal the information (fig 5).

As to claim 6, Chapin discloses receiving the maintenance information from the user (col 4, lines 60-61), the second storing is from the maintenance provide by the requestor (the service shop, between 26 and 22 as best seen in fig 5), the linking extracts contend of the maintenance work required by the vehicle (inherent in that the work is shown to be required and further, it is transmitted and linked, as best seen in fig 5), and further discloses the transmitting step as transmits to the terminal maintenance information and information regarding the requestor who provides the work (26).

As to claim 7, Chapin discloses receiving the maintenance information from the user (col 4, lines 60-61), the maintenance information is received from the advertisor requestor (inherent in that automotive manufacturers designate maintenance intervals), transmitting means for transmitting the information and displaying the message (100).

As to claim 8, Chapin discloses a first storage means with parts information (col 5, lines 27-31, inventory being parts), the necessary parts would inherently be requested by the user as the owner of vehicle requests that the service is performed, a second storage means regarding parts sold by the requestor (28), linking means for linking the information (fig 5), transmitting the information through a network (fig 5).

As to claim 9, Chapin would inherently disclose a storage medium that stores the programs, which cause the computer to perform the steps of claim 7 as Chapin discloses a computer doing this (fig 5).

As to claim 10, Chapin would inherently disclose a storage medium that stores the programs, which cause the computer to perform the steps of claim 8 as Chapin discloses a computer doing this (fig 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapin.

Chapin discloses a method as discussed above.

As to claims 3 and 5, Chapin does not, however, teach transmitting map information regarding the location of the advertisement requestor. It would have been obvious to one of ordinary skill in the art to modify Chapin by having Chapin transmit

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map information (address and directions if necessary) so the user could find the requestor in order to have the necessary work performed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 4,593,263 to Peckworth discloses a maintenance management system for reminders of scheduled maintenance.

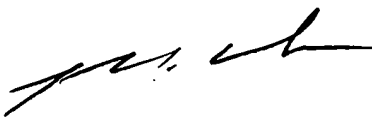
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF 

10/01/05


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600